

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO. 3:99CR00344-012(PG)

**LUIS A. NAZARIO-RODRIGUEZ
A.K.A. "Peluca"**

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**MOTION NOTIFYING VIOLATIONS OF
SUPERVISED RELEASE CONDITIONS AND THE REQUEST
FOR THE ISSUANCE OF A WARRANT**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, Miriam Figueroa, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of releasee, Luis A. Nazario-Rodriguez, who on July 13, 2001, was sentenced to forty-six (46) months of imprisonment and three (3) years supervised release with special conditions of drug testing, and substance abuse treatment, if warranted, as well as financial disclosure. On May 16, 2003, offender was released from custody and his three-year supervised release term began. However, on December 1, 2004, offender's supervised release term was revoked wherein he was sentenced to an imprisonment term of eleven (11) months followed by a supervised release term of two (2) years. The Court ordered as a special condition of his supervision to participate in a substance abuse program. On November 9, 2005, he was released from custody. On August 29, 2006, a second revocation hearing was held wherein offender's supervised release term was not revoked and was ordered to participate in an in-patient drug treatment program.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Since his release from custody, the offender has violated the following supervision conditions:

1. CONDITION NO. 2 - “YOU SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH.”

The offender has failed to submit his monthly supervision reports since December 2005. Mr. Nazario-Rodriguez also failed to provide urine specimens on December 20 and 29, 2005; January 19, February 7 and 23, and March 9, 17, and 23, 2006. Offender also failed to report to his office visit appointment on February 6 and March 20, 2006. Several messages were left to offender with his employer instructing him to report to the office but offender failed to comply with said instructions.

2. CONDITION NO. 7 - “YOU SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN.”

The offender tested positive to heroin on December 6, 2005 and January 4, 2006.

3. SPECIAL CONDITION - “IF ANY DRUG TEST SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE PROGRAM ARRANGED AND APPROVED BY THE PROBATION UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE U.S. PROBATION OFFICER.”

The offender was referred to one of our out-patient substance abuse treatment providers on December 1, 2005. He failed to attend same since March 6, 2006.

Additionally, On August 29, 2006, during a revocation hearing offender was ordered to participate in an in-patient drug treatment program until November 8, 2007. Offender made a verbal agreement with your Honor to comply with same. As such, on this same day, offender was referred to Hogar Santisima Trinidad. However, at 8:00 pm he abandoned the program stating he would rather do the remaining of his supervised release term in jail.

WHEREFORE, I declare under penalty of perjury that the above aforementioned is true and correct. In view that the offender violated his conditions it is respectfully requested, unless ruled otherwise, that a warrant of arrest be issued so that the offender may be brought before this Court to show cause why his supervision term should not be revoked. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this 30th day of August 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Miriam Figueroa
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CERTIFICATE OF SERVICE

I HEREBY certify that on August 30, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: José A. Ruiz-Santiago, Assistant U.S. Attorney, and Rafael Andrade-Ravelo, Assistant Federal Public Defender.

In San Juan, Puerto Rico, this 30th day of August 2006.

s/Miriam Figueroa
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